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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/264,171	03/05/1999	LESLIE STROH	STROH	2689

545 7590 05/04/2004

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/264,171

Applicant(s)

STROH, LESLIE

Examiner

Ella Colbert

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-80 and 82-101 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 35-80 and 82-101 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 35-80 and 82-101 are pending. Claims 88-91 have been cancelled without prejudice in this communication filed as Response 02/17/04 entered as paper no. 34.
2. Applicant's newly submitted Abstract has not been approved for the reason here below.
3. Applicant's arguments with respect to claims 35-80 and 82-101 have been considered but are moot in view of the new ground(s) of rejection.
4. As a preliminary matter:

Applicant is respectfully requested to note the Examiner prosecuting this application has changed. All correspondence should be directed to Examiner Colbert.
5. The Examiner respectfully requests the following references mentioned in Applicant's Specification for consideration and in order to give the application a proper examination:

On page 25, lines 18-22; ***The League of Nations 1930/1931 convention on payments (Convention Providing a Uniform Law For Bills of Exchange and Promissory Notes, Geneva, 1930);***

On page 33, lines 25-28 and page 34, lines 1-4; the **“UNITED NATIONS CONVENTION ON INTERNATIONAL BILLS OF EXCHANGE AND INTERNATIONAL PROMISSORY NOTES (UNCITRAL)”**;

On page 38, lines 23-28 and page 39, lines 1; **“ICC INCOTERMS1990 (ICC Publishing S.A., Paris, France”**; **“International Chamber of Commerce Universal**

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Commercial Practices 500"; UNCITRAL Model Law on Bills of Exchange"; and
page 44, lines 27-28; the **"Vienna Convention on International Sale of Goods"; and**

On page 46, lines 10-13;"**ICC INCO TERMS 1990, ICC Publishing S.A.**
International Chamber of Commerce (Paris, France)".

Abstract Objection

6. Applicant's Abstract of the disclosure is objected to for the following reason:

The abstract is more than 150 words in length.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Election/Restrictions

7. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 35-43 and 92-98, drawn to a method of providing and event-activated latent payment draft, classified in class 705, subclass 45.
- II. Claims 44-66, 99, and 100, drawn to providing an event-activated first bill-of-exchange classified in class 705, subclass 1.

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- III. Claims 68-74, drawn to the seller making an offer to the buyer, classified in class 705, subclass 37.
- IV. Claims 75-80, drawn to the buyer executing an invoice, classified in class 705, subclass 28.
- V. Claims 82-87, drawn to a written bill of exchange document, classified in class 705, subclass 34.
- VI. Claim 101, drawn to a method for facilitating a trade transaction, classified in class 705, subclass 39.

8. Inventions Group I, Group II, Group III, Group IV, V, and VI are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as providing an event-activated latent payment draft and the event-activated prerelease payment draft being drawn by the seller. Invention Group II has separate utility such as the buyer providing an event-activated first bill-of-exchange to the seller. Invention Group III has separate utility such as the seller making an offer to the buyer by providing the buyer a pro-forma invoice. Invention Group IV has separate utility such as the buyer executing a pro-forma invoice having indicia indicating the traded product. Invention Group V has separate utility such as an electronic, printed or written bill of exchange document. Invention Group VI has separate utility such as electronically facilitating a trade transaction. See MPEP § 806.05(d).

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9. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

10. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II, III, IV, V, and VI. The search required for Group II is not required for Groups I, III, IV, V, and VI. The search for Group III is not required for Groups I, II, IV, V, and VI. The search for Groups I, II, III, V, and VI is not required for Group IV. The search for Groups I, II, III, IV, and VI is not required for Group V and the search for Groups I, II, III, IV, and V is not required for Group VI and it is for these reasons restriction for examination purposes as indicated is proper.

11. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

12. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).


Inquiries

13 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Non-Official communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


E. Colbert
April 29, 2004